

LYNCH ICHIDA THOMPSON KIM & HIROTA

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Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	Civ. No. CV03 00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	DECLARATION OF TIMOTHY J.
vs.)	HOGAN; EXHIBITS “1” TO “5”
)	
HAWAIIAN EXPRESS SERVICE,)	
INC., a California corporation; et al.)	
)	
Defendants.)	
)	
_____)	

DECLARATION OF TIMOTHY J. HOGAN

I, TIMOTHY J. HOGAN am an attorney licensed to practice before all the courts of the State of Hawaii and I make this declaration under penalty of perjury.

All the statements herein are true and correct to the best of my knowledge,

information and belief. If called upon I am willing and able to testify regarding the matters herein.

1. Attached hereto as Exhibit “1” is a true and correct summary the voluminous record of the in-house copy costs that were advanced in this case. These costs were all based on costs for the filing of motions and other materials that were filed and necessary in the case. These costs do not include the costs for incidental working copies of documents for attorneys or otherwise that are not billed to the client in this case. These are costs that were necessary to be able to bring motions and to respond to motions and other matters before the Court and were necessary to the case. But for having incurred these costs, there would have been no way for us to proceed and to participate in this case.

2. Attached hereto as Exhibit “2” is a true and correct copy of the excerpt of Exhibit 1(b) from the original filed Motion for Fees and Costs that list the copy charges set forth in Exhibit “1” in detail.

3. Attached hereto as Exhibit “3” is a true and correct copy of the Declaration of Wayne Berry, Exhibits “A” through “S” filed herein in support of Plaintiff’s Motion for Summary Judgment on April 20, 2005, attached to Plaintiff Wayne Berry’s Concise Statement of Facts in Support of Motion for Summary Judgment.

4. Attached hereto as Exhibit “4” is a true and correct copy of the Exhibit “K” to the Declaration of Timothy J. Hogan filed on April 20, 2005 in support of Plaintiff’s Motion for Summary Judgment.

5. Attached hereto as Exhibit “5” is a true and correct excerpt from the Employee Opposition to the Plaintiff’s Motion for Summary Judgment.

Dated: Honolulu, Hawaii, December 14, 2006.

/S/Timothy J. Hogan

TIMOTHY J. HOGAN